

Atty. Docket No. GB920000092US1
(590.169)

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. In the Office Action dated October 18, 2006, pending Claims 1-56 were rejected and the rejection made final. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Claims 17, 36, and 54 stand objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. This objection is respectfully traversed. It is well-known in the art that commit phase support and recovery support are two types of quality-of-service utilized in enterprise application integration systems. These types of quality of service should be taken into consideration in enterprise resource planning where more than one type of resource is being utilized, to ensure that data, functionality, and so forth are uniform throughout the resources as necessary. It is thus respectfully submitted that this objection should be withdrawn.

Claims 1-56 currently stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chuah et al. (hereinafter "Chuah"). Of these claims, Claims 1, 20, and 39 are independent claims; the remaining claims are dependent claims. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action.

In the present invention, each member of a possible coordinated pair, i.e., the resource and the coordinator, requests the other's QoS information for their own use in

Atty. Docket No. GB920000092US1
(590.169)

determining whether a pair will be established. These resource/coordinator pairs are exemplified in the instant invention, and claimed in the dependent claims of the invention. The instant invention integrates heterogeneous processing systems through a communication process between components of the two systems. This type of integration is in stark contrast to the teachings of Chuah.

As best understood, Chuah modifies a tunneling protocol to establish multiple QoS parameters. A tunneling protocol between two different types of networks is in no way similar or analogous to integrating devices or resources in enterprise application integration. The instant invention provides for systems that are able to determine whether or not to integrate with other systems based upon the levels of quality-of-service each system supports. This assures that the level of quality-of-service across all of the involved systems is maintained to the satisfaction of each system. The integration, and negotiation of quality-of-service across systems, is in stark contrast with Chuah, which provides an ability to route packets from one network to another while maintaining multiple quality-of-service parameters.

With this striking disparity between the instant invention and Chuah, it should be of no surprise that Chuah fails to meet many of the limitations of the instant invention, and specifically of the independent claims. There is no teaching or suggestion of integrating heterogeneous processing systems in Chuah. To that extent, heterogeneous processing systems are not even mentioned in Chuah, let alone integrated. Further, phase commit support and recovery support are not mentioned in Chuah. This is of course understandable, because Chuah deals with a completely different technology than that of

Atty. Docket No. GB920000092US1
(590.169)

the instant invention. It is respectfully submitted that there is a distinct and well-known difference in the art between tunneling protocols and integrating heterogeneous systems. Establishing a Virtual Private Network between two nodes utilizing a modified tunnel is in stark contrast to the instant invention, in which a communication method is established to allow different systems to communicate with each other.

It is further respectfully submitted that Chuah fails to teach the limitations of the instant invention. Chuah fails to teach, disclose, or even suggest the presently claimed invention's "integrating heterogeneous systems" and, therefore, the present invention is not anticipated by Chuah. Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction." W.L. Gore & Associates, Inc. v. Garlock, 721 F.2d 1540, 1554 (Fed. Cir. 1983); see also In re Marshall, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

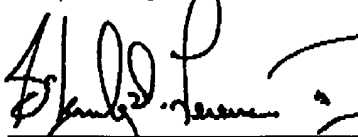
In view of the foregoing, it is respectfully submitted that amended independent Claims 1, 20, and 39 fully distinguish over the applied art and are thus allowable. By virtue of dependence from what is believed to be allowable independent Claims 1, 20, and 39, it is respectfully submitted that Claims 2-19, 21-38, and 40-56 are also presently allowable.

In summary, it is respectfully submitted that the instant application, including Claims 1-56, is in condition for allowance. Notice to the effect is hereby earnestly

Atty. Docket No. GB920000092US1
(590.169)

solicited. If there are any further issues in this application, the Examiner is invited to
contact the undersigned at the telephone number listed below.

Respectfully submitted,



Stanley D. Ference III
Registration No. 33,879

Customer No. 47049
FERENCE & ASSOCIATES
409 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400
(412) 741-9292 - Facsimile

Attorneys for Applicants